

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSENFIELD & COMPANY, PLLC, : Case No. 1:21-cv-03858

: Plaintiff, :
- against - : NOTICE OF
: MOTION TO DISMISS
: *Judge Victor Marrero*
TRACHTENBERG, RODES & FRIEDBERG LLP, STAR
AUTO SALES OF BAYSIDE, INC. (d/b/a STAR TOYOTA:
OF BAYSIDE), STAR AUTO SALES OF QUEENS, LLC
(d/b/a STAR SUBARU), STAR HYUNDAI LLC (d/b/a:
STAR HYUNDAI), STARR NISSAN, INC. (d/b/a STAR
NISSAN), METRO CHRYSLER PLYMOUTH INC. (d/b/a:
STAR CHRYSLER JEEP DODGE), STAR AUTO SALES
OF QUEENS COUNTY LLF (d/b/a STAR FIAT), and:
STAR AUTO SALES OF QUEENS VILLAGE LLC (d/b/a
STAR MITSUBISHI),

Defendants.

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STAR AUTO SALES OF BAYSIDE, INC. (d/b/a STAR:
TOYOTA OF BAYSIDE), STAR AUTO SALES OF
QUEENS, LLC (d/b/a STAR SUBARU), STAR HYUNDAI:
LLC (d/b/a STAR HYUNDAI), STAR NISSAN, INC.
(d/b/a STAR NISSAN), METRO CHRYSLER:
PLYMOUTH INC. (d/b/a STAR CHRYSLER JEEP
DODGE), STAR AUTO SALES OF QUEENS COUNTY:
LLC (d/b/a STAR FIAT), and STAR AUTO SALES OF
QUEENS VILLAGE LLC (d/b/a STAR MITSUBISHI), :

Third-Party Plaintiffs, :

- against - :

BARRY J. FRIEDBERG and LEONARD A. RODES, :

Third-Party Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the
Declaration of Sarah A. Adam, Esq., dated July 15, 2022, together with the exhibits thereto, and

the prior filings and proceedings had heretofore in the above-captioned action, Defendant TRACHTENBERG, RODES & FRIEDBERG LLP, and Third-Party Defendants BARRY J. FRIEDBERG, ESQ. AND LEONARD A. RODES, ESQ., (collectively, the “TRF Defendants”) by their undersigned counsel Lewis Brisbois Bisgaard & Smith, will move this Court at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, before the Honorable Judge Victor Marrero, on a date to be determined by the Court, for an Order:

- (a) Dismissing the First Amended Cross-Claims and Third-Party Complaint (ECF Doc. No. 73) filed by STAR AUTO SALES OF BAYSIDE, INC. (d/b/a STAR TOYOTA OF BAYSIDE), STAR AUTO SALES OF QUEENS, LLC (d/b/a STAR SUBARU), STAR HYUNDAI LLC (d/b/a STAR HYUNDAI), STARR NISSAN, INC. (d/b/a STAR NISSAN), METRO CHRYSLER PLYMOUTH INC. (d/b/a STAR CHRYSLER JEEP DODGE), STAR AUTO SALES OF QUEENS COUNTY LLF (d/b/a STAR FIAT), and STAR AUTO SALES OF QUEENS VILLAGE LLC (d/b/a STAR MITSUBISHI) in its entirety as against the TRF Defendants, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim upon which relief can be granted; and
- (b) Granting such other and further relief as the Court deems to be just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule set by the Court herein, opposition hereto is due by July 22, 2022, and reply thereto is due by July 29, 2022 (ECF Doc. No. 92).

Dated: New York, New York
July 15, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Mark K. Anesh
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*Attorneys for Defendant Trachtenberg Rodes &
Friedberg LLP and Third-party Defendants Barry
J. Friedberg, Esq., and Leonard A. Rodes, Esq.*

File No. 50031.2179

To: All Parties and Counsel of Record (via ECF)

CERTIFICATE OF SERVICE

Undersigned counsel certifies that a true and accurate copy of the foregoing was electronically filed and served upon all parties and counsel of record who receive notification via the Court's Electronic Case Filing system on July 15, 2022.

Dated: New York, New York
July 15, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Mark Anesh

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File No. 50031.2179